

743414-16

10/500388

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/500,388

INTERNATIONAL APPLICATION NO.

PCT/AU02/01764

INTERNATIONAL FILING DATE

December 28, 2002

PRIORITY DATE CLAIMED

December 28, 2001

TITLE OF INVENTION Michael Francis EDWARDS, et al.

APPLICANT(S) FOR DO/EO/US BULK MATERIAL ANALYSER AND METHOD OF ASSEMBLY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Application Data Sheets  
Verified Statement Claiming Small Entity  
Extension of Time

|  |  |  |  |   |  |
|--|--|--|--|---|--|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.53)<br><b>10/500,388</b> |  | INTERNATIONAL APPLICATION NO.<br><b>PCT/AU02/01764</b> |  | ATTORNEYS DOCKET NUMBER<br><b>743414-16</b> |  |
|--|--|--|--|---|--|

| <p>21. <input type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1) – (5)):</b><br/>         Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... <b>\$1110.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... <b>\$950.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(3)) paid to USPTO ..... <b>\$790.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... <b>\$750.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></p> <p style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p>Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;"></th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>X <b>\$18.00</b></td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>X <b>\$88.00</b></td> <td>\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ <b>\$300.00</b></td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL =</b></td> <td>\$</td> </tr> <tr> <td colspan="4">Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property +</b></td> <td><b>\$40.00</b></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: center;">Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: center;">charged:</td> <td><b>\$40.00</b></td> </tr> </table> |              |              |                   | CLAIMS                 | NUMBER FILED   | NUMBER EXTRA | RATE |  | Total claims | - 20 = |  | X <b>\$18.00</b> | \$ | Independent claims | - 3 = |  | X <b>\$88.00</b> | \$ | MULTIPLE DEPENDENT CLAIM(S) (if applicable) |  |  | + <b>\$300.00</b> | \$ | <b>TOTAL OF ABOVE CALCULATIONS =</b> |  |  |  | \$ | <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. |  |  |  | \$ | <b>SUBTOTAL =</b> |  |  |  | \$ | Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). |  |  |  | \$ | <b>TOTAL NATIONAL FEE =</b> |  |  |  | \$ | Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property +</b> |  |  |  | <b>\$40.00</b> | <b>TOTAL FEES ENCLOSED =</b> |  |  |  | \$ |  |  |  |  | Amount to be refunded: | \$ |  |  |  |  | charged: | <b>\$40.00</b> |  |  |
|--|--------------|--------------|-------------------|------------------------|----------------|--------------|------|--|--------------|--------|--|------------------|----|--------------------|-------|--|------------------|----|---|--|--|-------------------|----|--------------------------------------|--|--|--|----|--|--|--|--|----|-------------------|--|--|--|----|---|--|--|--|----|-----------------------------|--|--|--|----|---|--|--|--|----------------|------------------------------|--|--|--|----|--|--|--|--|------------------------|----|--|--|--|--|----------|----------------|--|--|
| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE              |                        |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| Total claims   | - 20 =       |              | X <b>\$18.00</b>  | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| Independent claims   | - 3 =        |              | X <b>\$88.00</b>  | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |              | + <b>\$300.00</b> | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |              |                   | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |              |                   | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| <b>SUBTOTAL =</b>  |              |              |                   | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |              |                   | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| <b>TOTAL NATIONAL FEE =</b>  |              |              |                   | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property +</b>  |              |              |                   | <b>\$40.00</b>         |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
| <b>TOTAL FEES ENCLOSED =</b>   |              |              |                   | \$                     |                |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
|  |              |              |                   | Amount to be refunded: | \$             |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |
|  |              |              |                   | charged:               | <b>\$40.00</b> |              |      |  |              |        |  |                  |    |                    |       |  |                  |    |   |  |  |                   |    |                                      |  |  |  |    |  |  |  |  |    |                   |  |  |  |    |   |  |  |  |    |                             |  |  |  |    |   |  |  |  |                |                              |  |  |  |    |  |  |  |  |                        |    |  |  |  |  |          |                |  |  |

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 19-2380 (743414-16) in the amount of \$40.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

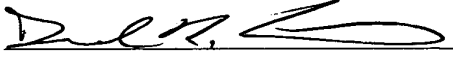
c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2380. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**NIXON PEABODY LLP**  
 401 9<sup>th</sup> Street, N.W.  
 Suite 900  
 Washington, D.C. 20004-2128

  
 SIGNATURE

Donald R. Studebaker  
 NAME

32,815  
 REGISTRATION NUMBER



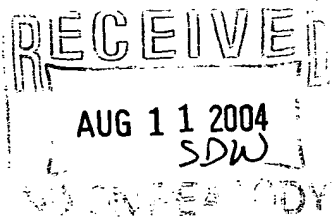
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|                             |                         |                  |
|-----------------------------|-------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT   | ATTY. DOCKET NO. |
| 10/500,388                  | Michael Francis Edwards | 743414-16        |

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/AU02/01764                |               |
| LA. FILING DATE               | PRIORITY DATE |
| 12/28/2002                    | 12/28/2001    |

22204  
NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128



CONFIRMATION NO. 9007  
371 FORMALITIES LETTER  
\*OC000000013482078\*

Date Mailed: 08/09/2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/28/2004
- Copy of the International Search Report filed on 06/28/2004
- Copy of IPE Report filed on 06/28/2004
- Preliminary Amendments filed on 06/28/2004
- Request for Immediate Examination filed on 06/28/2004
- U.S. Basic National Fees filed on 06/28/2004
- Priority Documents filed on 06/28/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DOCKETED  
8-11-04 By SDW | kaa  
Nixon Peabody, LLP

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/500,388                  | PCT/AU02/01764                | 743414-16        |

FORM PCT/DO/EO/905 (371 Formalities Notice)